

1. (Once Amended) A set-top terminal for connecting a subscriber to a cable network, said terminal comprising:

a processor; and
a memory unit;

a1 [wherein, when] said terminal being informed by a headend of a specified in-band channel on which a download of data or programming is offered to said set-top terminal over said cable network, said processor only accepts said download on said specified in-band channel and records said download in said memory unit when one or more predetermined criteria are satisfied, said criteria when satisfied indicating [tending to indicate] that acceptance of said download will cause a minimum of [interfere] interference with said subscriber's use of said set-top terminal.

2. (Once Amended) The terminal of claim 1, wherein said one or more criteria are downloaded to said set-top terminal over said [computer] cable network.

a2 10. (Once Amended) The terminal of claim 1, wherein said set-top terminal tunes to [a] said specified in-band channel to receive said download if said one or more criteria are satisfied.

a3 16. (Once Amended) The terminal of claim 1, wherein each download of programming contains two versions of a programming object, a first programming object for storage in and execution from [said] a first memory section of said memory unit and a second programming object for storage in and execution from [said] a second memory section, of said memory unit wherein said processor downloads one of said two versions of programming in accordance with whether said first or second memory sections is vacant.

18. (Once Amended) A set-top terminal for connecting a subscriber to a cable network, said terminal comprising:

a processor; and

a memory unit;

a4 wherein, said set-top terminal being informed by a headend of a specified in-band channel on which a download is offered, said terminal occasionally receives [a] said download over said cable network of new programming on said specified in-band channel; and

wherein following said download of programming, said processor will only execute said new programming from said download when one or more predetermined criteria are satisfied.

24. (Once Amended) A method for minimizing interruptions to use of a set-top terminal that connects a subscriber to a cable network where said interruptions result from downloading data or programming to said set-top terminal over said cable network, the method comprising the steps of:

a5 receiving a signal from a headend identifying a specified in-band channel on which said download is available; and

accepting said download on said specified in-band channel only when one or more predetermined criteria are satisfied, said criteria [tending to indicate] when satisfied indicating that acceptance of said download will not interfere with said subscriber's use of said set-top terminal.

25. (Once Amended) The method of claim 24, further comprising downloading said one or more criteria to said set-top terminal over said [computer] cable network.

a6 34. (Once Amended) The method of claim 24, further comprising partitioning said memory unit into two memory sections, a first memory section for containing programming being executed by said processor and a second memory section for receiving and storing programming from said download.